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09/633,229	08/04/2000	Atsushi Tomita	325772018800	1356

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EXAMINER

WILSON, ROBERT W

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 01/02/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/633,229

Applicant(s)

TOMITA ET AL.

Examiner

Robert W Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 04 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

**1.0** The application of Tomita et al. for "CENTRAL MANAGEMENT APPARATUS AND MANAGEMENT SYSTEM" filed 8/4/2000 with Foreign Priority based upon JAPAN 11-225834 dated 08/09/1999 was examined. Claims 1-18 are pending.

#### ***Drawings***

**2.0** The drawings in this application are objected to by the Draftsperson as informal. Any drawing corrections requested, but not made in the prior application should be repeated in this application if such changes are still desired. If the drawings were changed and approved during the prosecution of the prior application, a petition may be filed under 37 CFR 1.182 requesting the transfer of such drawings, provided the parent application has been abandoned. However, a copy of the drawings as originally filed must be included in the 37 CFR 1.60 application papers to indicate the original content.

#### ***Claim Rejections - 35 USC § 102***

**3.0** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4.0** Claims 1-3, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sawada et al. (U.S. Patent No: 5,933,675)

Referring to **Claim 1**, Sawada (U.S. Patent No.: 5,933,675) teaches: A central management apparatus for managing devices connected to a device management units by data communication with the device management units (3 per Fig 1 or central management apparatus

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for managing element 2s per Fig 1 or device management units) the central management apparatus comprising:

A memory for storing the fixed-time transmission determined for each device (34 per Fig 2)

A setting means for setting an allowable time for each device or each device management unit connected to the devices based on the communication method of each device management unit (The central unit sends fixed time to the data terminal device over the phone line per col. 16 lines 20-27 or col. 2 line 27-col. 4 line 14 or Fig 1; therefore, the Central Unit has the means for setting an allowable time in each data terminal device)

A determination means for determining that a device has not transmitted data unit the allowable time has elapse after the fixed time store in memory is a non-communicating device (The Central Unit has the ability to determined whether the fixed time has passed per col. 16 lines 28-59 or col. 2 line 27-col 4 line 14)

**In Addition:**

Regarding **Claim 2**, further comprising: a fixed-time transmission time setting means for setting the next fixed-time transmission time for each device (The central unit transmits a new fixed transmission time per col. 11 lines 35-40)

A transmission means for transmitting the set fixed transmission time to the device management unit connected to each device (The central unit transmits a new fixed transmission time per col. 11 lines 35-40 per Fig 1)

Regarding **Claim 3**, wherein said fixed-time transmission time setting means sets the next fixed-time transmission time in accordance with the communication method of the connected device management unit (The central unit transmits a new fixed transmission time per col. 11 lines 35-40 for the phone communication method per Fig 1).

Regarding **Claim 5**, wherein said communication method including a method for transmitting data over a public telephone line (Fig 1) and a second method for transmitting data by electronic mail over the internet (The examiner takes official notice that sending reports via Email is well known in the art per U.S. Patent No.: 6,567,381 per col. 5 lines 30-47)

Regarding **Claim 7**, wherein said devices are image forming apparatus (imaging per Abstract or copying machines per Fig 1 or col. 5 lines 1-39 or image forming apparatus)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5.0** Claims 8-10, 12, 14, 15-16, & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada (U.S. Patent No.: 5,933,675).

Referring to **Claim 8**, Sawada (U.S. Patent No.: 5,933,675) teaches: A central management apparatus for managing devices connected to a device management units by data communication with first (2 per Fig 1) and second device management units (2 per Fig 1 connected to a different copier) using different communication methods (The applicant broadly claims “different communication methods”. The examiner interprets each 2 per Fig 1 has a different connection or different communication method.)

A memory for storing a first transmission time set for the first device management unit and a second transmission time set for the second device management unit (The applicant broadly claims “storing a first transmission time set for the first device management unit and a second transmission time set for the second device management unit”. The examiner interprets the central unit has the ability to assign a fixed transmission time to every data terminal device per col. 2 lines 27-col. 4 line 14. 34 per Fig 2 or memory)

A first counting means for counting the elapsed time from the first transmission time when data have not been received from the first device management unit at the first transmission time (The central unit has the ability to measure the time that it takes for each independent data terminal device to send a response per col. 2 lines 27-col. 4 line 14. 34 per Fig 2 or memory)

A second counting means for counting the elapsed time from the second transmission time when data have not been received from the first device management unit at the first transmission time (The central unit has the ability to measure the time that it takes for each independent data terminal device to send a response per col. 2 lines 27-col. 4 line 14. 34 per Fig 2 or memory)

A threshold setting means for setting a first threshold value for the first device management unit and a setting a second threshold value different from the first threshold value for the second device management unit (The central unit has the ability to measure the time that it takes for each independent data terminal device to send a response per col. 2 lines 27-col. 4 line 14)

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A determining means for determining a no reception condition when the counted elapsed time by the first counting means exceeds the first threshold value or counted elapsed time by the second counting means exceeds the second threshold value (The central unit has the ability to detect whether a information from each independent data terminal device has communicated in a pre-determined time per col. 2 lines 27-col. 4 line 14).

**In Addition:**

Regarding **Claim 9**, further comprising: a fixed-time transmission time setting means for setting the next fixed-time transmission time for each device (The central unit transmits a new fixed transmission time per col. 11 lines 35-40)

A transmission means for transmitting the set fixed transmission time to the device management unit connected to each device (The central unit transmits a new fixed transmission time per col. 11 lines 35-40 per Fig 1)

Regarding **Claim 10**, wherein said fixed-time transmission time setting means sets the next fixed-time transmission time in accordance with the communication method of the connected device management unit (The central unit transmits a new fixed transmission time per col. 11 lines 35-40 for the phone communication method per Fig 1).

Regarding **Claim 12**, wherein said communication method including a method for transmitting data over a public telephone line (Fig 1) and a second method for transmitting data by electronic mail over the internet (The examiner takes official notice that sending reports via Email is well known in the art per U.S. Patent No.: 6,567,381 per col. 5 lines 30-47)

Regarding **Claim 14**, wherein said devices are image forming apparatus (imaging per Abstract or copying machines per Fig 1 or col. 5 lines 1-39 or image forming apparatus)

Sawada does not expressly call for: threshold but teaches a predetermined time per col. 2 line 27-col. 4 line 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the predetermined time of Sawada performs the same function as a threshold.

Referring to **Claim 15**, Sawada (U.S. Patent No.: 5,933,675) teaches: A management system including a central management apparatus (3 per Fig 1), a first device management unit for data communication with the central management apparatus using a first communication method (The applicant broadly claims "first communication method". The examiner interprets that each 2 per Fig 1 has a independent connection with the Central Unit or first communication method") and a second device management unit for data communication with the central management apparatus using a second communication method (The applicant broadly claims

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“second communication method”. The examiner interprets that each 2 per Fig 1 has a independent connection with the Central Unit or second communication method”)

Said first device management unit (First data terminal device per Fig 1) comprising:

A first transmission means for transmitting data relating to a connected device to a central management apparatus at a first fixed time (The phone line associated with the first data terminal device per Fig 1 which sends a message to the Central Unit at a predetermined time which is independent of all of the other data terminal device units per col. 2 line 27-col. 4 line 14)

A second device management unit (Second data terminal device per Fig 1) comprising:

A second transmission means for transmitting data relating to a connected device to the central management apparatus at a second fixed time (The phone line associated with the second data terminal device per Fig 1 which sends a message to the Central Unit at a predetermined time which is independent of all of the other data terminal device units per col. 2 line 27-col. 4 line 14)

Said central management apparatus (3 per Fig 1) comprising:

A first counting means for counting the elapsed time from the first transmission time when data have not been received from the first device management unit at the first transmission time (The central unit has the ability to measure the time that it takes for each independent data terminal device to send a response per col. 2 lines 27-col. 4 line 14. 34 per Fig 2 or memory)

A second counting means for counting the elapsed time from the second transmission time when data have not been received from the first device management unit at the first transmission time (The central unit has the ability to measure the time that it takes for each independent data terminal device to send a response per col. 2 lines 27-col. 4 line 14. 34 per Fig 2 or memory)

A threshold setting means for setting a first threshold value for the first device management unit and a setting a second threshold value different from the first threshold value for the second device management unit (The central unit has the ability to measure the time that it takes for each independent data terminal device to send a response per col. 2 lines 27-col. 4 line 14)

A determining means for determining a no reception condition when the counted elapsed time by the first counting means exceeds the first threshold value or counted elapsed time by the second counting means exceeds the second threshold value (The central unit has the ability to detect whether a information from each independent data terminal device has communicated in a pre-determined time per col. 2 lines 27-col. 4 line 14).

**In Addition:**

Regarding **Claim 16**, wherein said communication method including a method for transmitting data over a public telephone line (Fig 1) and a second method for transmitting data by electronic

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mail over the internet (The examiner takes official notice that sending reports via Email is well known in the art per U.S. Patent No.: 6,567,381 per col. 5 lines 30-47)

Regarding **Claim 18**, wherein said devices are image forming apparatus (imaging per Abstract or copying machines per Fig 1 or col. 5 lines 1-39 or image forming apparatus)

Sawada does not expressly call for: threshold but teaches a predetermined time per col. 2 line 27-col. 4 line 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the predetermined time of Sawada performs the same function as a threshold.

### ***Claim Rejections - 35 USC § 112***

**6.0** The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 6, 11, 13, & 17 are rejected because they are indefinite and the metes and bounds of the claims cannot be assessed

Referring to **Claim 4 & 11**, “wherein said fixed-time to transmission time setting means allots an earlier time to devices having a long allowable time set by the setting means than devices having a short allowable time” is confusing. What is meant by “wherein said fixed-time to transmission time setting means allots an earlier time to devices having a long allowable time set by the setting means than devices having a short allowable time”?

Referring to **Claim 13**, “wherein said threshold setting means sets the threshold value of the first device management unit so as to be shorter than the threshold value of the second device management unit” is confusing. What is meant by “wherein said threshold setting means sets the threshold value of the first device management”?

Referring to **Claim 6 & 17**, “wherein said setting means sets the allowable time of the device management unit using the first method of communication so as to be shorter than the allowable time of the device management unit using the second method of communication” is confusing. What is meant by “wherein said setting means sets the allowable time of the device management unit using the first method of communication so as to be shorter than the allowable time of the device management unit using the second method of communication”?

### ***Conclusion***

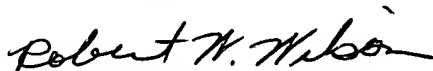


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7.0 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is 703/305-4102. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Robert W Wilson  
Examiner  
Art Unit 2661

RWW  
December 15, 2003

  
**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**